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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,935	12/18/2001	Priscilla Chen	CM03594J	2557
24273	7590	07/07/2006	EXAMINER	
MOTOROLA, INC INTELLECTUAL PROPERTY SECTION LAW DEPT 8000 WEST SUNRISE BLVD FT LAUDERDAL, FL 33322				HSU, ALPUS
		ART UNIT		PAPER NUMBER
		2616		

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/022,935	CHEN ET AL.	
	Examiner Alpus H. Hsu	Art Unit 2616	
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --			
Period for Reply			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.			
<ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 			
Status			
<p>1)<input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>4/26/06, 4/28/06</u>.</p> <p>2a)<input checked="" type="checkbox"/> This action is FINAL. 2b)<input type="checkbox"/> This action is non-final.</p> <p>3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p>			
Disposition of Claims			
<p>4)<input checked="" type="checkbox"/> Claim(s) <u>1-34</u> is/are pending in the application.</p> <p>4a) Of the above claim(s) _____ is/are withdrawn from consideration.</p> <p>5)<input checked="" type="checkbox"/> Claim(s) <u>33</u> is/are allowed.</p> <p>6)<input checked="" type="checkbox"/> Claim(s) <u>1-4,21-27 and 34</u> is/are rejected.</p> <p>7)<input checked="" type="checkbox"/> Claim(s) <u>5-20 and 28-32</u> is/are objected to.</p> <p>8)<input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.</p>			
Application Papers			
<p>9)<input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10)<input type="checkbox"/> The drawing(s) filed on _____ is/are: a)<input type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).</p> <p>11)<input type="checkbox"/> The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.</p>			
Priority under 35 U.S.C. § 119			
<p>12)<input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a)<input type="checkbox"/> All b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of:</p> <p>1.<input type="checkbox"/> Certified copies of the priority documents have been received.</p> <p>2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</p> <p>3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p>			
<p>* See the attached detailed Office action for a list of the certified copies not received.</p>			
Attachment(s)			
<p>1)<input type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4/12/06</u>.</p>		<p>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.</p> <p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6)<input type="checkbox"/> Other: _____.</p>	

1. The applicant is requested to provide an IDS listing the document of "Mediation Device Operation", Qicai Shi, Ed Cattaway, Document IEEE 802.15-01 /1188r1 for proper consideration by the examiner.
2. Claim 34 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 34, it is unclear as to what "a special logical identifier" is referring to. It is also unclear as to what function "a Dedicated Mediation Device" or "a Distributed Mediation Device" performs. What are the differences between "a Dedicated Mediation Device" and "a Distributed Mediation Device" beside the feature of having a special logical identifier?

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 21-27 are rejected under 35 U.S.C. 102(e) as being anticipated by LEE et al in U.S Patent No. 6,982,960 B2, hereinafter referred as LEE.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the

inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Referring to claims 1 and 22, LEE discloses a method for adding a new network node to a network, said method comprising: operating said new network node to discover neighboring nodes in the network (col. 4, lines 20-23); confirming symmetric communication links to neighboring nodes in the network (col. 4, lines 25-28); obtaining a logical identifier and selecting a parent node in the network for the new network node (col. 4, line 66 to col. 5, line 5); and operating said new network node to broadcast status information to the neighboring nodes in the network (col. 4, lines 59-64).

Referring to claims 2 and 23. LEE discloses that the step of operating said new network node to discover neighboring nodes in the network comprises: listening to messages transmitted between neighboring nodes in the network; collecting information about its immediate neighbors by listening to the messages; and recording the information in an initial neighborhood list (col. 4, lines 25-40).

Referring to claims 3, 4 and 24, Lee discloses that the information collected includes the neighboring nodes' logical identifiers, the times they will receive or transmit messages, and the depth and load information of the neighboring nodes if available (col. 4, lines 38-40).

Referring to claims 26 and 26, LEE discloses a further step of transmitting a “Hello” or “W” message from said new network node to all of the neighboring network nodes, and the network messages include “Query” messages (col. 4, lines 25-28).

Referring to claim 27, LEE discloses that the new network node operates as a Distributed Mediation Device (col. 5, lines 40-44).

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5. Claim 33 is allowed.

6. Claims 5-20, 28-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claim 34 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

8. Applicant's arguments filed 4/26/06 & 4/28/06 have been fully considered but they are not persuasive.

In the remark, the applicant argued that the Examiner has improperly used Lee as a reference against the present application since the present application claims priority to US provisional Application No. 60/291, 140, filed May 15, 2000. The Lee reference has a filing date of March 09, 2001. Because the present application claims priority to an application that was filed before Lee, the Lee reference cannot be used against the present application.

The examiner disagrees since the filing date for the US provisional Application No. 60/291,140, was **May 15, 2001**, not May 15, 2000, based on the record. Lee reference has a filing date of March 09, 2001, which is clearly before the filing date of the US provisional Application No. 60/291,140. Therefore, the 102 (e) rejection regarding claims 1-4, 21-27 is deemed to be proper.

Furthermore, regarding 112, second paragraph problem in claim 34, the applicant argued that the definitions for both a dedicated and distributed mediation device is given in "Mediation Device Operation", Qicai Shi, Ed Cattaway, Document IEEE 802.15-01 /1188r1, which is incorporated by reference in the Background of the Invention of the instant application.

However, to overcome the 112, second paragraph problem, the applicant needs to further define the dedicated and distributed mediation devices in the claim to distinguish between the dedicated and distributed mediation devices since a special logical identifier does not serve or perform any function to distinguish between the dedicated and distributed mediation devices.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571)272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AHH



Alpus H. Hsu
Primary Examiner
Art Unit 2616